

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WESTERN SURETY COMPANY, a  
foreign corporation

Plaintiff,

v.

Case No.: 2:19-cv-212-FtM-38MRM

KRISTOPHER TIRTEL, SUNSET  
AUTO & TRUCK, LLC and CARMAX  
AUTO SUPERSTORES, INC.,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is the parties' Joint Motion for Order Directing the Clerk to Evenly Divide Interest ([Doc. 64](#)). The parties settled this interpleader case, and the Clerk distributed the interpleader funds as agreed by the parties. But the settlement did not address the interest accrued while the funds were in the registry of the Court. The parties now request an equal distribution of that interest.<sup>2</sup>

Accordingly, it is now

**ORDERED:**

The parties' Joint Motion for Order Directing the Clerk to Evenly Divide Interest ([Doc. 64](#)) is **GRANTED**. The Clerk is **DIRECTED** to disburse the interest accrued on the funds at issue in this case as follows:

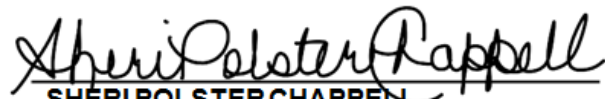
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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

<sup>2</sup> Except Sunset Auto & Truck, LLC, whose claim in the funds was terminated by a Default Judgment (Doc. 60).

- (1) One-third to Tirtel by check made payable to **The Dellutri Law Group, P.A. Trust Account fbo Kristopher Tirtel** and mailed to The Dellutri Law Group, P.A., 1436 Royal Palm Square Boulevard, Fort Myers, Florida 33919.
- (2) One-third to Carmax by check made payable to **CarMax Auto Superstores, Inc.**, and mailed to CarMax Auto Superstores, Inc., Attention: Maggie Finnegan, Esquire; Senior Corporate Counsel, 12800 Tuckahoe Creek Parkway, Richmond, VA 23238.
- (3) One-third to Western Surety by check made payable to **Western Surety Company** and mailed to Steve Kerbel, 150 South Pine Island Road, Ste. 105, Plantation, Florida 33324.

**DONE** and **ORDERED** in Fort Myers, Florida this 27th day of February, 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record